

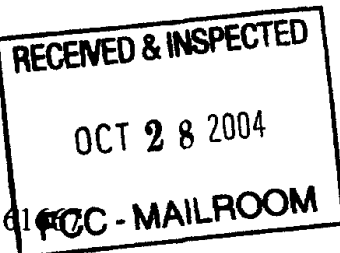
# USD 443 Information Technologies Services

1000 Second Avenue  
Dodge City Kansas 67801  
v. 620.227.1600 ~ f. 620.227.1689

Thomas Waldron  
Coordinator  
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FCC Appeal CC Docket No. 02-6

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Applicant: Dodge City Unified School District 443

Billed Entity Number: 138148

Form 471 Application Number: 403217

FRN: 1160373, 1160467, 1160749, 1160998, 1161167, 1161270, 1161418, 1161509, 1161617

I wish to directly appeal a decision made by USAC that denied our school district's request to allow our electronic signature to certify form 470 for funding year 2004. The USAC main justification is that a post marked Form 470 must be on file to maintain a competitive bidding process for funding requests cited on a 470 form. I contend this is not the case. Telecommunications companies have access to our electronically submitted 470 form the moment I submitted the 470 form. The case numbers cited for their justification CC 96-45 and 97-21 are decisions prior to electronic certification of USAC forms. Individuals have to go through a process to submit electronic forms and that process alone should have been enough to verify the form is a legitimate application.

This is purely an error in processing a signal sheet of paper which will cost this school district 10s of thousands of dollars. I believe this to be an excessive punitive decision.

Please do the right thing and restore our E-Rate funding for 2004.

Regards,

Thomas Waldron

Information Technologies Director  
Dodge City Public Schools  
Dodge City, KS 67801-0460

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Universal Service Administrative Company  
Schools & Libraries Division

Administrator's Decision on Appeal  
Funding Year 2004-2005

October 11, 2004

Thomas P. Walden  
USD 443 Technology and Information Services  
1000 Second Avenue  
Dodge City, KS 67801

Re: Applicant Name: Dodge City Unified School District 443  
Billed Entity Number: 138148  
Form 471 Application Number: 403217  
Funding Request Number(s): 1160373, 1160467, 1160749, 1160998, 1161167,  
1161270, 1161418, 1161509, 1161667  
Your Correspondence Dated: June 10, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1160373, 1160467, 1160749, 1160998, 1161167, 1161270,  
1161418, 1161509, 1161667

Decision on Appeal: **Denied in full**

Explanation:

- On appeal, you seek reversal of the SLD's decision to deny the funding requests for failure to reference a Form 470 which has been certified. In support of your request, you explain that you thought that certifying the Form 470 electronically with your PIN meant that you did not need to send in a signed paper certification. You admit that when you received the Form 470 Receipt Notification Letter, you failed to read the detail that a signed certification was still needed. In addition, you state that when you were contacted by SLD, the reviewer did not make it clear that the application was in jeopardy of being denied. You request the opportunity to correct this mistake or refer to a previous year when Dodge City Unified School District 443 did receive funding. You state that the electronic certification should be sufficient to certify the Form 470.

- Upon thorough review of the appeal letter and relevant documentation, it was determined by SLD that the funding requests were correctly denied. According to program rules, a Funding Year 2004 Form 470 must be certified on or before the Funding Year 2004 filing deadline of February 4, 2004, in order to ensure that only eligible entities receive support under the universal support discount mechanism. During review of your Form 471, you were contacted and informed that the Form 470 was not certified, which is a violation of the rules of this support mechanism. You were also asked if the referenced Form 470 was the establishing Form 470 used in order to comply with this support mechanism bidding requirements. In an e-mail dated on May 16, 2004, you replied to the reviewer's inquiry that the referenced Form 470 (Application # 190780000456330) should be referred to Form 471 application number 403217. On appeal, you state that you electronically certified the Form 470, but did not provide proof that the certification was successful. Therefore, your appeal is denied because the funding requests reference a Form 470 which has not been certified.
- The FCC requires all parts of an application to be postmarked by the final date of the filing window for the relevant funding year for the application to be treated as having been filed within the filing window. *See Request for Review by Alpine County Unified School District, et. al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 ¶ 5 (rel. Jan. 14, 2002).* This includes the Form 470 Certification, the Form 471 application, and the Form 471 Certification. If the Form 470 Certification is not postmarked by the final date of the filing window, that Form 470 cannot be used to establish the competitive bidding process for any funding requests that cite that Form 470.
- SLD denied your funding request(s) because it determined that your Form 470 Certification was not postmarked on or before the close of the filing window on February 4, 2004. As a result, this Form 470 cannot establish the competitive bidding process for the products and/or services in your funding request(s). During the review of your Form 471, you confirmed that this was the establishing Form 470. Consequently, your appeal is denied because your funding request(s) referenced a Form 470 that was not certified on or before the close of the filing window.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the Federal Communications Commission (FCC). For appeals that have been denied in full, partially approved, dismissed, or cancelled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company